

**MANSFIELD TOWNSHIP  
BURLINGTON COUNTY**

**RESOLUTION 2021-3-13**

**RESOLUTION DENYING DEMAND BY CHRISTOPHER PUKENAS FOR RETURN OF  
ESCROW FEES AND PAYMENT OF APPLICATION EXPENSES FOR JOINT LAND USE  
BOARD APPLICATION FOR 181 PUBLIC ROAD, MANSFIELD TOWNSHIP**

**WHEREAS**, Christopher Pukenas (“Applicant”) applied to the Mansfield Planning Board (sitting as a Joint Land Use Board) for approval to construct a new home on a lot located at 181 Public Road. According to the minutes of the August 24, 2021 Planning Board public hearing on the application, the lot is approximately 0.34 acres in area, and the proposed construction of the home and septic system would require clearing 75% to 80% of the lot. The application was heard by the Board on August 24, 2020 after being postponed from the prior meeting. The application was denied by the Board; and

**WHEREAS**, the Applicant submitted a letter dated October 5, 2020 (attached hereto as Exhibit A) demanding a refund of the review escrows paid by the Applicant as well as a request for the Township to reimburse the Applicant for Applicant’s own engineering professional fees and all costs incurred by the Applicant in submitting and processing the application, and

**WHEREAS**, the Applicant alleges that the Township initially incorrectly advised him of the zoning of the parcel. As a result, the Township refunded the applicant's initial \$3,500 review escrow deposit. Applicant further argues that the public hearing on the application was postponed from July 27, 2020 to August 24, 2020, as a result of a legally deficient legal notice issue which the Applicant asserts should have been corrected in advance by the Board attorney. The Applicant alleges that the Board Attorney acted “unprofessionally” and was “against my application.” The Board Attorney denied the allegations and filed a written response dated October 16, 2020 (attached hereto as Exhibit B). Finally, the Applicant maintains that he was not aware of the need for a tree removal plan and that the Applicant would not have filed the application if the applicant was aware that a tree removal plan was required.

**WHEREAS**, The Township Committee appointed a sub-committee consisting of the Mayor, Michael Magee; the Township Administrator, Michael Fitzpatrick; and the Township Attorney, Timothy Prime, to hear the Pukenas challenge. A remote hearing was conducted by the sub-committee on February 11, 2021 with Mr. Pukenas and his engineer Brian Murphy participating in the hearing; and

**WHEREAS**, the sub-committee has filed a written report with the Township committee dated March 3, 2021 (attached hereto as Exhibit C) containing Findings of Fact and Conclusions of Law, and recommending that the Applicant’s challenge be denied in its entirety.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that the challenge by Christopher Pukenas demanding a refund of the review escrows paid by the Applicant as well as a request for the Township to reimburse the Applicant for Applicant’s engineering professional

fees and all costs incurred by the Applicant in submitting and processing the land use application on 181 Public Road be, and the same is hereby, DENIED, for the reasons set forth in the report by the sub-committee of the Township Committee dated March 3, 2021, which said report is approved in all respects and incorporated in full in this Resolution by reference.

**MOTION: HIGGINS SECOND: TALLON**

**ROLL CALL VOTE:**

**AYES: HIGGINS, TALLON, GOLEND, OCELLO, MAGEE**

**NAYS: NONE ABSTAIN: NONE ABSENT: NONE**

**CERTIFICATION**

**I, LINDA SEMUS, RMC, CMR**, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at their regular meeting held on March 17, 2021, at 7:00 PM.

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**LINDA SEMUS, RMC, CMR**  
**Municipal Clerk**